



"The mission of Maricopa County is to provide regional leadership and fiscally responsible, necessary public services to its residents so they can enjoy living in healthy and safe communities"

**Board Members**

Max Wilson, District 4, Chairman  
Fulton Brock, District 1  
Don Stapley, District 2  
Andrew Kunasek, District 3  
Mary Rose Wilcox, District 5

**County Manager**

David Smith

**Clerk of the Board**

Fran McCarroll

**Meeting Location**

Supervisors' Auditorium  
205 W. Jefferson  
Phoenix, AZ 85003

# FORMAL MEETING MINUTES

## BOARD OF SUPERVISORS Maricopa County, Arizona

(and the Boards of Directors of the Flood Control District, Library District,  
Stadium District, Improvement Districts and/or Board of Deposit)

**Wednesday, February 25, 2009  
9:00 AM**

**1. INVOCATION**

Wes Baysinger, Director, Materials Management, gave the invocation.

**2. PLEDGE OF ALLEGIANCE**

Dr. Rodrigo Silva, Assistant County Manager, led the assemblage in the Pledge of Allegiance.

### **3. ROLL CALL**

The Board of Supervisors of Maricopa County Arizona convened in Formal Session at 9:00 AM on Wednesday, February 25, 2009, in the Supervisors Auditorium with the following members present: Max Wilson, Chairman, District 4; Don Stapley, Vice Chairman, District 2; Fulton Brock, District 1; Mary Rose Wilcox, District 5. Absent: Andrew Kunasek, District 3. Also present: Lori Pacini, Deputy Clerk of the Board; Shirley Million, Minutes Coordinator; David Smith, County Manager; and Victoria Mangiapane, Deputy County Attorney.

The Clerk read the following announcement:

The Chairman has instructed me to note for the record, the Board has previously expressed concerns about the adversarial positions the county attorney's office has often taken against the Board. This concern has caused the Board to retain independent counsel to analyze this apparent ethical conflict and to take actions that may be warranted. The analysis and response is ongoing.

The county attorney's office is in attendance at this meeting – presumably to advise the Board as they proceed with the meeting. In light of the stated concerns, the Board in no way waives any conflict or ethical issues that exist as a result of the county attorney's presence here.

## **BOARD OF SUPERVISORS**

### **4. Pet Showcase by Maricopa County Animal Care and Control.**

Aprille Hollis brought a five-year-old miniature pinscher mix who is playful but also likes to snuggle and who likes everyone, including cats. She said cost for this dog is only \$50 today because he is older. Call 602-506-PETS for more information.

## **PRESENTATION/ACTION**

### **Public Health**

### **5. PRESENTATION AND ACTION TO PROVIDE LIABILITY INSURANCE TO VOLUNTEERS DURING A "DRIVE THROUGH DISPENSING DRILL"**

Presentation regarding the "Drive Through Dispensing Drill" which will be facilitated by Maricopa County Department of Public Health's Emergency Management Program (PHEM) on April 5, 2009 at Sun City Grand. This drill will require the use of 350 volunteers.

Approve the use of 350 volunteers and provide each volunteer with liability insurance in the event of a personal injury/accident or accidental damage to their vehicle during the course of the exercise. Funding for this exercise is provided by a grant from ADHS and will not affect the County's general fund. (C-86-09-053-P-00)

Shawn Tennant, Pharmacy Programs Supervisor, PHEM

Alisa Diggs, Department of Public Health, gave an update on activities of their volunteers and the need for this action. She gave an overview of the duties and activities mandated by the federal government for their department to provide. Ms. Diggs explained the Drive Through Dispensing Drill that will provide maximum service to residents quickly and with minimum effort in the case of an emergency.

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Wilcox  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

## **STATUTORY HEARINGS**

### **Clerk of the Board**

#### **6. LIQUOR LICENSE APPLICATIONS**

This is the time scheduled for a public hearing on the applications for liquor licenses. At this hearing, the Board of Supervisors will determine the recommendation to the State Liquor Board as to whether the State Liquor Board should grant or deny the license.

##### **a. NEW LICENSE FOR ROBERTO'S AUTHENTIC MEXICAN FOOD**

Approve an application filed by Theresa June Morse for a New Series 12 Liquor License, Roberto's Authentic Mexican Food at 39510 N. Daisy Mountain Drive, Ste. D-170, Anthem, AZ 85086. (MCLL #6285) (AZ #12077878) Supervisorial District 3. (Meets P&D requirements subject to issuance of certificate of occupancy). (C-06-09-262-L-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Stapley  
Ayes: Stapley, Wilcox, Wilson  
Nays: Brock  
Absent: Kunasek

##### **b. NEW LICENSE FOR TONTO VERDE CLUBHOUSE**

Approve an application filed by Steven William Peterman for a New Series 12 Liquor License for Tonto Verde Clubhouse at 18401 E. El Circulo Drive, Rio Verde, AZ 85263. (MCLL #6287) (AZ #12077881) Supervisorial District 2 (C-06-09-264-L-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Stapley  
Ayes: Stapley, Wilcox, Wilson  
Nays: Brock  
Absent: Kunasek

##### **c. SPECIAL EVENT FOR RECREATION CENTER OF SUN CITY WEST**

Approve a Special Event Liquor License Application filed by Mary V. Welch for the Recreation Center of Sun City West at 13800 W. Deer Valley Drive, Sun City West, AZ 85375 to be held on April 18, 2009 from 5:00 p.m. to 10:00 p.m. (Supervisorial District 4) (C-06-09-297-L-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Stapley  
Ayes: Stapley, Wilcox, Wilson  
Nays: Brock  
Absent: Kunasek

**d. SPECIAL EVENT FOR KNIGHTS OF COLUMBUS COUNCIL #11809**

Approve a Special Event Liquor License Application filed by Michael F. Chabak for Knights of Columbus Council # 11809 at 14818 W. Deer Valley Drive, Sun City West, AZ 85375 to be held on March 17, 2009 from 4:30 p.m. to 9:00 p.m. (Supervisory District 4) (C-06-09-296-L-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Stapley  
Ayes: Stapley, Wilcox, Wilson  
Nays: Brock  
Absent: Kunasek

**e. PERMANENT EXTENSION OF PREMISES/PATIO FOR CLUB VIA'S LLC**

Approve an application filed by Gary Steve Villa for a Permanent Extension of Premises/Patio of a Series 07 Liquor License for Club Via's LLC at 24202 W. Highway 85, Buckeye, AZ 85326. (Supervisory District 4) (C-06-09-298-L-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Stapley  
Ayes: Stapley, Wilcox, Wilson  
Nays: Brock  
Absent: Kunasek

## **AGENCY ITEMS AND STATUTORY MATTERS**

### **COUNTY OFFICERS**

#### **Clerk of the Board**

**7. AMENDMENT TO THE 2009 MEETING SCHEDULE**

Approve an amendment to the 2009 Board of Supervisors' Meeting schedule. This action schedules a 10:00 a.m., Executive Session for October 5, 2009. This date was inadvertently omitted from the original Meeting Schedule adopted by the Board on November 6, 2008 (C-06-09-162-M-00). All other dates and times listed on the Meeting Schedule remain unchanged. Additional changes, if any, to the Meeting Schedule, will be posted separately by the Clerk of the Board in compliance with the Open Meeting Law. (C-06-09-162-M-01)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

#### **Constables**

**8. APPLY AND ACCEPT GRANT FOR CONSTABLE TRAINING**

Approve the application and acceptance of grant funds from Arizona Constable Ethics, Standards & Training Board, (CESTBTG09-07), in the amount of \$15,759 for the purpose of providing annual mandatory Constable training. The grant period begins once the agreement has been signed by both parties and ends on June 1, 2009. Authorize the Chairman to sign all documents related to these grant funds, as applicable. The grant does not allow for indirect cost recovery. The Maricopa County Department of Finance has calculated the

Constables' composite indirect cost rate at 12.1%, or \$1,907. The non-recoverable indirect cost is \$1,907. Upon receipt of funds and pursuant to A.R.S. §42-17106(B), approve revenue and expenditure appropriation adjustments to the Constables (250) General Fund (100) Non-Recurring (0001) associated with the grant in the amount of \$15,759 for FY 2008-09. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore, expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105.

The applicants for this grant will be attending a training seminar conducted by the National Constables Association (NCA) and the Arizona Constables Association (ACA) in Tucson, AZ. The training sessions will cover mandatory training required by A.R.S. 22-137 (D) which includes Immigration, Homeland Security, Domestic Terrorism, Gang/Fugitive and Illegal Drug Activity. This grant will pay for lodging, per diem and registration expenses. (C-25-09-006-G-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

#### **County Attorney**

#### **9. GRANT FUNDS FROM U.S. DEPARTMENT OF JUSTICE FOR SOUTHWEST BORDER PROSECUTION INITIATIVE PROGRAM**

Approve the acceptance of grant funds from U. S. Department of Justice, for the Southwest Border Prosecution Initiative Program in the amount of \$1,150,000. These grant funds are for the reimbursement of the County Attorney for prosecution of federally declined criminal cases. The grant award begins on July 1, 2008 and ends on June 30, 2009. Authorize the Chairman to sign all documents related to these grant funds, as applicable. The grant allows a 0% rate for indirect costs, or \$0 which may be incurred by the County Attorney's Office or Maricopa County for the administration of this grant. The Maricopa County Department of Finance has calculated the County Attorney's Office's composite indirect cost rate at 14%, or \$161,000. The recoverable indirect cost of administering this grant is \$0; the non-recoverable indirect cost is \$161,000.

Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore, expenditure of the funds is not prohibited by the budget law.

These funds are for cases that were investigated by federal law enforcement agencies, were declined for prosecution by the U.S. Attorney, and were subsequently prosecuted by the Maricopa County Attorney's Office under state law because the crimes were committed in Maricopa County. These cases have already been prosecuted and therefore there are no indirect costs to accepting this grant money. The Federal government has funded this program through September 30, 2009 under 2008 Public Law 110-161 and by 2009 continuing appropriations resolution, Public Law 110-329. (C-19-09-041-G-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Wilcox  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

#### **Sheriff**

#### **10. DONATIONS TO SHERIFF'S OFFICE**

Accept donations to the Sheriff's Office as follows: \$250 from Best Materials, d.b.a.

Copperstate Roofing; \$400 from Edward Cessolini for a MASH unit adoption and \$400 from Kristen Fancy for a MASH unit adoption. (C-50-09-054-D-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Stapley  
Ayes: Stapley, Brock, Wilson  
Nays: Wilcox  
Absent: Kunasek

**11. MONTHLY DONATION REPORT**

In accordance with County Policy A2805, accept the monthly donation report received from Sheriff's Office for December 2008 and January 2009. Donation reports are on file in the Clerk of the Board's Office. (C-06-09-312-7-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Stapley  
Ayes: Stapley, Brock, Wilson  
Nays: Wilcox  
Absent: Kunasek

**12. ONE-TIME ADDITION TO FLEET RED-LINED VEHICLE**

Approve a one-time addition to fleet of red-lined vehicle #11989 to be assigned to the MSCO Transportation Division. This vehicle replaces red-lined vehicle #11050, previously approved by the Board of Supervisors on May 2, 2007, (C-50-07-070-M-00) for use in Inmate Transportation, which is no longer useful and being returned, to go to auction. The annual estimated operating cost is \$5,000 to be supported through the Detention Fund (255) Inmate Transportation Division.

Approval of this one-time addition to fleet of red-lined vehicle #11989 will result in continued efficiency in the Sheriff's Transportation Division. The vehicle will be used daily to transport prisoners to and from court ordered medical appointments and court appearances. This is a temporary addition to the fleet and will be removed at the end of its useful life with no funding for replacement. (C-50-09-056-M-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Wilcox  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

## **TRIAL COURTS**

**Juvenile Probation and Detention**

**13. JUVENILE PROBATION COMBINED FY 2008-09 GRANTS PACKAGE**

Approve the application for and acceptance of the FY 2008-09 grants for the Juvenile Probation Department of the Judicial Branch in the amount of \$8,125,930. Approval of the grants agenda will increase grant funding by \$1,898,626 because actual grant funding received was more than anticipated and budgeted. Therefore per A.R.S. 42-17106(B), approve increases to the FY 2008-09 Juvenile Probation (270) Grants Fund (227) Operating (0000) revenue and expenditure appropriations of \$1,898,626. Grant revenues are not local revenues for the purpose of constitutional expenditure limitation, and therefore, expenditure of these revenues is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. 42-17105. The indirect cost rate as of July 1, 2008 is 32.1%, as

calculated by the Department of Finance. Most of the grants for FY 2008-09 do not allow for indirect cost recovery, as reflected in the funding agreements. The status of the indirect costs for each grant is noted on the summary sheet on file in the Office of the Clerk of the Board.

Administrative Order #95-50, approved by Presiding Judge Robert D. Myers on June 29, 1995, adopted for the Judicial Branch a policy for the administration of grant funding. The policy, identical in form and substance to the policy adopted by the Board of Supervisors for all County Departments, states that the Presiding Judge will make a presentation of the Judicial Branch's grants to the Board of Supervisors on an annual basis. A summary of each grant has been prepared in accordance with the provision of the policy. The total amount of Juvenile Probation Grants Fund (227) grant revenue to be received is \$18,140,205 (includes "Retained by Grantor"); the total indirect cost to be recovered is \$28,772; and the unrecoverable indirect cost is \$1,905,538. The Juvenile Probation Grants Fund (227) current revenue and expenditure appropriation is \$6,227,304. (C-27-09-003-G-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Wilcox  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

#### **Superior Court Judges and Commissioners**

#### **14. APPOINTMENT OF SUPERIOR COURT JUDGE PRO TEMPORE AND PRO TEMPORE JUSTICE OF THE PEACE**

Pursuant to A.R.S. §12-141 and §22-121, approve the appointment of Superior Court Commissioner James Rummage as Superior Court Judge Pro Tempore and Pro Tempore Justice of the Peace for the period from February 25, 2009 through June 30, 2009. (C-38-09-006-9-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

### **DEPUTY COUNTY MANAGER**

#### **Public Health**

#### **15. INTERAGENCY SERVICE AGREEMENT WITH STATE OF ARIZONA DEPARTMENT OF CORRECTIONS FOR HEPATITIS PEER EDUCATION**

Approve Interagency Service Agreement (ISA) (ADC090077DC), between the State of Arizona by and through the Department of Corrections (ADOC) and Maricopa County through its Department of Public Health, HIV Prevention Program for the provision of Hepatitis Education, Prevention and Survival (HEPS). ADOC will provide a comprehensive viral hepatitis education, prevention and education (HEPS) to incarcerated adults. The term for this ISA is from October 1, 2008 through September 29, 2009 and the budget amount is \$97,855. This is the final year for this program.

Funds for this ISA are provided by the Centers for Disease Control grant and do not affect the County's general fund (C-86-09-051-3-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

**16. AMENDMENT TO SOLE SOURCE CONTRACT WITH ARIZONA PARTNERSHIP FOR IMMUNIZATION (TAPI) FOR BILLING IMMUNIZATIONS**

Approve Amendment 1 to the Sole Source Contract between The Arizona Partnership for Immunization (TAPI) and Maricopa County through its Department of Health Services (MCDPH). This amendment makes changes to the Special Provisions and adds the attachment titled, "MCDPH Business Associate Agreement". All other terms and conditions of the original contract remain unchanged and in full force and effect. The funding period of January 1, 2009 through December 31, 2009 remains unchanged. (C-86-09-046-3-01)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

**17. AMENDMENT TO IGA WITH ARIZONA DEPARTMENT OF HEALTH SERVICES FOR ARIZONA NUTRITION NETWORK - LOCAL INCENTIVE AWARD PROGRAM**

Approve Amendment No. 2 to the Intergovernmental Agreement (IGA) Contract No. HG861075 between Arizona Department of Health Services (ADHS) and Maricopa County by and through Department of Public Health to provide decreased funding for the Arizona Nutrition Network – Local Incentive Award program. This amendment will replace the current price sheet with a revised price sheet reflecting the decreased budget amount for \$10,531, bringing the total budget amount from \$268,822 to \$258,291. In addition, this amendment will also include administrative changes to the Special Terms and Conditions. All other provisions of this agreement remain unchanged.

The Department of Public Health's indirect rate for FY 2008-09 is 18%. Grant indirect expenses are fully recoverable and however, the estimated indirect expense amount is reduced from \$41,007 to \$39,400.

Funds for this IGA are provided by ADHS and do not affect the County's general fund. (C-86-08-026-2-02)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

**18. GRANT FROM SUSAN B. KOMEN BREAST CANCER FOUNDATION FOR THE WELL WOMAN HEALTHCHECK PROGRAM**

Accept and approve grant contract and award from the Phoenix Affiliate of the Susan G. Komen Breast Cancer Foundation, Inc. d/b/a the Phoenix Affiliate of Susan G. Komen for the Cure to Maricopa County through its Department of Public Health to provide the Well Woman Healthcheck Program Cycle to Care Treatment Project. Grant funding is in the amount of \$125,000 for budget term beginning April 1, 2009 through March 31, 2010.

The Department of Public Health's indirect rate is 18% for FY 2008-09. Total indirect costs are estimated at \$22,500 all of which is unrecoverable. The total sum of the grant consists of sub-recipient pass-through funds not subject to indirect costs.



Funding for this grant is provided by the Susan G. Komen Breast Cancer Foundation, Inc. d/b/a the Phoenix Affiliate of the Susan G. Komen for the Cure and will not affect the County general fund. (C-86-09-052-3-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

**19. AMENDMENT TO IGA WITH ARIZONA DEPARTMENT OF HEALTH SERVICES FOR WOMEN INFANTS AND CHILDREN PROGRAM**

Approve Amendment No. 3 to Intergovernmental Agreement (IGA) (HG861080) between Arizona Department of Health Services (ADHS) and Maricopa County through its Department of Public Health to provide additional grant funding for Women, Infants and Children (WIC) Nutritional services. The budget increase is in the amount not-to-exceed \$386,568, bringing the grants total not-to-exceed amount to \$10,161,930 for the budget period October 1, 2008 through September 30, 2009. In addition, this amendment will also include administrative changes to the Special Terms and Conditions. All other provisions of this agreement remain unchanged. The Department of Public Health's indirect rate for FY 2008-09 is 18%. Grant indirect expenses are fully recoverable and are estimated at \$58,968.

Funds for this IGA are provided by ADHS and do not affect the County's general fund. (C-86-08-025-2-03)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

**20. AMENDMENT TO CONTRACT WITH DELTA DENTAL OF ARIZONA FOR DENTAL INSURANCE SERVICES**

Approve Amendment No. 1 to Contract No. C-86-08-054-1, between the Delta Dental Plan of Arizona and Maricopa County through its Department of Public Health, Office of Oral Health for the provision of dental insurance services to individuals affected by HIV/AIDS. This amendment increases the budget by \$90,000 bringing the total not-to-exceed amount to \$765,000 for the budget period March 1, 2008 through February 28, 2009. This amendment also makes changes to the General Provisions. All other terms and conditions of the original contract remain unchanged and in full force and effect.

Funding for this contract is provided by a grant from the federal Department of Health and Human Services, Health Resources and Services Administration (HRSA), the Ryan White (RW) Comprehensive HIV/AIDS Treatment Modernization Acts of 2006 and the Maricopa County Workforce Management and Development Department, Ryan White Part A Program and will not affect the County general fund. Net effect to Public Health financial is zero as the transaction is offset by an allocation out entry. (C-86-08-054-1-01)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

**21. AMENDMENT TO AGREEMENT WITH SALT RIVER PIMA - MARICOPA INDIAN COMMUNITY TO PROVIDE STRATEGIC NATIONAL STOCKPILE ASSETS**

Approve Amendment No. 1 to the non-financial Agreement to provide strategic national stockpile (SNS) Assets between Salt River Pima – Maricopa Indian Community (Salt River)

and Maricopa County through its Department of Public Health's Emergency Management Program (PHEM) to provide strategic national stockpile (SNS) assets to Salt River in the case of a public health emergency. This amendment makes changes to the "Recitals" of this agreement. All other terms and conditions of the original contract remain unchanged and in full force and effect. The term of this agreement, September 17, 2008 and shall be in effect until terminated by either party, remains unchanged. (C-86-09-026-3-01)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

**22. IGA WITH ARIZONA DEPARTMENT OF EMERGENCY AND MILITARY AFFAIRS:  
ARIZONA DIVISION OF EMERGENCY MANAGEMENT**

Approve the Intergovernmental Agreement (IGA) with Arizona Department of Emergency and Military Affairs: Arizona Division of Emergency Management (ADEM); Preparedness Section and Maricopa County through its Department of Public Health (MCDPH) Public Health Emergency Management Program (PHEM) for training and exercise delivery. This IGA is in the amount not-to-exceed \$60,000 and will be effective upon execution by both parties until August 9, 2009.

Funding for this IGA is provided by a grant from ADHS and do not affect the county's general fund. This IGA will be absorbed within PHEM budget for the grant year ending August 9, 2009. (C-86-09-055-3-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

**ASSISTANT COUNTY MANAGER - COMMUNITY COLLABORATION**

**Animal Care & Control Services**

**23. DONATION FROM PETCO FOUNDATION**

Accept the monetary donation from PETCO Foundation of San Diego, CA in the amount of \$450 for the care of the animals. Donation revenue funds are deposited into Fund (573) as they are received. Donation funds are not local revenues for the purpose of the constitutional expenditure limitations, and therefore expenditures of these revenues are not prohibited by the budget law. The approval of this action requested does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C-79-09-072-D-00)

Supervisor Brock thanked PETCO for their donation.

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

**24. AGREEMENT WITH ARIZONA SHELTYE RESCUE, INC. FOR NEW HOPE PROGRAM**

Approve an Agreement between Bill Ferrell, d.b.a. Arizona Sheltie Rescue, Inc., 116 N. Pioneer Street, Gilbert, AZ 85233, and Maricopa County to allow Arizona Sheltie Rescue, Inc. under the New Hope Program to rescue animals that have been deemed eligible for the

New Hope program. Maricopa County will provide a rabies vaccination, dog license tag and new owner transfer fee within the first year of rescue for each dog three months of age or older at no cost to the Contractor. The cost for these services is \$40 for each animal rescued. Animal Care & Control estimates 33 new hope rescues over the term of the agreement, for a total of \$1,320. The term of this Agreement is from February 11, 2009 through June 30, 2012. (C-79-09-073-3-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

**25. DONATION FROM PETSMART CHARITIES**

Accept the monetary donation from PetSmart Charities of Phoenix, AZ in the amount of \$3,198.27 for the care of the animals. Donation revenue funds are deposited into Fund (573) as they are received. Donation funds are not local revenues for the purpose of the constitutional expenditure limitations, and therefore expenditures of these revenues are not prohibited by the budget law. The approval of this action requested does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C-79-09-074-D-00)

Supervisor Brock thanked PETSMART for their donation.

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

**Community Development**

**26. IGA FOR THE ACQUISITION, REHABILITATION AND RESALE OF ABANDONED AND FORECLOSED RESIDENTIAL PROPERTIES**

Approve an Intergovernmental Agreement (IGA) between Housing Authority of Maricopa County and Maricopa County through the Community Development Department, in the not-to-exceed amount of \$8,700,000. This Intergovernmental Agreement is funded by a grant from the U. S. Department of Housing and Urban Development, (CFDA #14-218). The purpose of this Intergovernmental Agreement is to acquire, rehabilitate and resell abandoned and foreclosed residential properties under the Neighborhood Stabilization Program. This Intergovernmental Agreement is effective from HUD release of funds until June 30, 2013.

The IGA will provide for an initial allocation of Neighborhood Stabilization Program (NSP) funds to the Housing Authority of \$6,233,274. Program income is expected to be earned under this activity and will be returned to the Housing Authority, minus a 10% set aside for administration, for continuation of this activity. At this time, it is expected that the Housing Authority will receive \$2,466,726 in program income. With the additional program income, this will provide the Housing Authority with funding capacity of \$8,700,000 for this activity. This activity is expected to produce at least 50 houses for resale to low, moderate, and middle income households. This item was continued from the December 17, 2008 meeting. (C-17-09-048-3-00)

Supervisor Stapley spoke to support this agreement that is designed for aid to stabilize properties in distress because of the financial crisis. He said he hoped this will become a model for the nation for ways to leverage dollars for the highest use.

Supervisor Wilcox added support and agreement to Supervisor Stapley's comment and said there could be a possibility of this working in tandem with programs recently suggested by the President.

Chairman Wilson recalled similar housing situations in the past and expressed hope the previous "practice" will allow the current situation to progress more easily.

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Stapley  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

## **Human Services**

### **27. RESOLUTION TO EXTEND SELF-INSURED TRUST COVERAGE TO HEAD START VOLUNTEERS**

Adopt a Resolution to approve extending Self Insured Trust coverage for the volunteers in the Maricopa County Head Start Zero–Five Program to be in effect upon Board approval. The County Self Insured Trust Declaration (section I.G.7), defines an "employee" covered by the Trust to include volunteers under the direction and control of County Employees if the program is authorized by Board of Supervisor resolution. (C-22-09-129-G-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

### **28. MEMORANDUM OF UNDERSTANDING WITH JOBING.COM**

Approve the Memorandum of Understanding (MOU) between Jobing.com and Maricopa County administered by its Human Services Department, Maricopa Workforce Connections (MWC). This MOU will establish a partnership between JOBING.Com and Maricopa County which will allow both entities to reach a wider range of job seekers and employers. This MOU is non-financial and is effective upon signature by both parties and will expire December 31, 2010. (C-22-09-130-M-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

### **29. AGREEMENT WITH ARIZONA DEPARTMENT OF JUVENILE CORRECTIONS FOR EARLY HEAD START SERVICES IN THE BLACK CANYON SCHOOL**

Approve Agreement #J09014 between Arizona Department of Juvenile Corrections (ADJC) on behalf of Black Canyon School (BCS) and Maricopa County through the Human Services Department, for the purpose of providing Early Head Start services to low-income pregnant female youths and parenting teens incarcerated in the BCS. This Agreement is non-financial and is effective from September 1, 2008 until June 30, 2009. (C-22-09-128-3-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

**30. AMENDMENT TO AGREEMENT WITH ARIZONA COMMUNITY ACTION ASSOCIATION**

Approve Amendment No. 1 to the Agreement between Arizona Community Action Association (ACAA) and Maricopa County administered by its Human Services Department (C-22-09-098-3-00), in the increased amount of \$15,555 for the contract period July 1, 2008 through June 30, 2009. All other terms and conditions of the original contract remain in full force and effect. The Department of Human Services indirect rate for FY 2008-09 is 15.2%. The contract allows for indirect costs at a rate of 15.2%. Of the \$15,555 increase, sub-recipient costs in the amount of \$15,555 are not subject to indirect charges. Therefore, the estimated indirect cost is \$0.

Funds for this contract are provided by a grant from Southwest Gas Corporation and do not increase the County's general fund. (C-22-09-098-3-01)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

**31. MEMORANDUM OF UNDERSTANDING WITH OPEN TABLE INCORPORATED**

Approve the Memorandum of Understanding (MOU) between Open Table Incorporated and Maricopa County administered by its Human Services Department, Workforce Development Division, to provide services to Open Table participants. The activities for this agreement will include employment training opportunities for participants. This MOU is non-financial and is effective upon signature by both parties and will expire June 30, 2011. There are no County General Funds associated with this MOU. (C-22-09-131-3-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

**32. AMENDMENT TO IGA WITH CITY OF GOODYEAR FOR SPECIAL TRANSPORTATION SERVICES**

Approve Amendment No. 1 to Intergovernmental Agreement (IGA) between the City of Goodyear and Maricopa County through the Human Services Department (HSD) Special Transportation Services to increase the funding for FY 2008-09 by \$55,000 for a new aggregate not-to-exceed amount of \$90,000. This amendment is effective from date of Board of Supervisors' approval through June 30, 2009. All other terms and conditions of the Intergovernmental Agreement remain in full force and effect.

The transportation service will be provided to the City's elderly, disabled and low-income participants for travel throughout Maricopa County. Indirect costs are recoverable within this contract at a rate of 15.2%, which is the approved indirect cost rate for FY 2008-2009. The indirect costs are estimated to be \$11,875 for the entire contract, all of which are recoverable. A budget appropriations adjustment is not requested at this time as these funds are included in the 2008-2009 adopted budget. (C-22-09-106-M-01)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

**33. AMENDMENT TO IGA WITH CITY OF AVONDALE FOR SPECIAL TRANSPORTATION SERVICES**

Approve Amendment No. 2 to Intergovernmental Agreement (IGA) between the City of Avondale and Maricopa County through the Human Services Department (HSD) Special Transportation Services to increase the funding for FY 2008-09 by \$10,000 for a new aggregate not-to-exceed amount of \$50,000. This amendment is effective from the date of Board of Supervisors approval through June 30, 2009. All other terms and conditions of the Intergovernmental Agreement remain in full force and effect.

The transportation service will be provided to the City's elderly, disabled and low-income participants for travel throughout Maricopa County. Indirect costs are recoverable within this contract at a rate of 15.2%, which is the approved indirect cost rate for FY 2008-2009. The indirect costs are estimated to be \$6,597 for the entire contract, all of which are recoverable. A Budget appropriations adjustment is not requested at this time as these funds are included in the 2008-2009 adopted budget. C-22-09-104-M-00. (C-22-09-104-M-02)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

**CHIEF FINANCIAL OFFICER**

**Finance**

**34. FUNDS TRANSFERS; WARRANTS**

Approve regular and routine fund transfers from the operating funds to clearing funds including payroll, journal entries, allocations, loans, and paid claims and authorize the issuance of the appropriate related warrants. Said warrants and claims are recorded on microfiche retained in the Department of Finance in accordance with the Arizona State Department of Library Archives and Public Records retention schedule, and are incorporated herein by this reference.

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

**35. ASSISTANCE PACKAGE INTERGOVERNMENTAL AGREEMENT AND PROMISSORY NOTE FOR THE CHANDLER COUNTY ISLAND FIRE DISTRICT**

Approve the Assistance Package Intergovernmental Agreement and Promissory Note in the amount of \$35,000 for the Chandler County Island Fire District effective upon signature of the Chairman of the Board of Supervisors. Pursuant to A.R.S. §42-17106(B), transfer expenditure appropriation of \$35,000 from Non-Departmental (470) General Fund (100) General Contingency (4711) Non-recurring (0001) to a new line in Non-Departmental (470) General Fund (100) Other Programs (4712) Non-Recurring (0001) entitled, "Chandler County Island Fire District". Promissory Note payable when the District receives its property tax revenues or establishes a line of credit, whichever occurs first.

The Chandler County Island Fire District was formed on November 18, 2008 (C-06-08-074-7-00), and is a special taxing district that will provide fire and emergency medical services to the county island residents who live within the municipal planning area of the City of

Chandler. The loan will be used to pay the Chandler County Island Fire District's Insurance Premium and will be repaid by the District when it establishes a line of credit. (C-18-09-040-2-00)

Motion to continue to the March 18, 2009, meeting, at the request of the department by: Supervisor Stapley, Seconded by: Supervisor Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

**36. SALE OF REAL PROPERTY OF THE AVONDALE FAMILY HEALTH CLINIC TO THE CITY OF AVONDALE**

Deem as advantageous for Maricopa County to sell, and authorize and approve the sale of, approximately 450 square feet of real property (30' X 30' triangle), at the Avondale Family Health Clinic located at the northwest corner of Van Buren and Eliseo Felix Jr. Way, to the City of Avondale for the purchase price of \$8,650.00, and authorize the Chairman to execute all necessary documents approved by County Counsel for the sale of the property. The Facilities Review Committee supports the sale of the property.

On August 20, 2008, the Board of Supervisors granted a Right of Entry (C-18-09-012-8-00) to the City to begin construction of the traffic signal and negotiations for the purchase of the subject property. The City of Avondale has made a written offer to purchase the 450 square feet for \$8,650.00. This agenda item will authorize the selling of the property for the installation and maintenance of a traffic signal at the intersection of Van Buren and Eliseo Felix Jr. Way and will authorize the Chairman to execute all necessary documents approved by County Counsel to sell the property. This item requires a unanimous approval of the Board of Supervisors. (C-18-09-043-8-00)

Motion to continue to the March 18, 2009, meeting to enable a unanimous roll call vote of the Board by: Supervisor Stapley, Seconded by: Supervisor Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

**Materials Management**

**37. SOLICITATION SERIALS**

Approve the following solicitation serial items. The action on the following items is subject to Civil Division's review and approval of the respective contracts and subsequent execution of contracts.

**The Clerk announced that item 37a would be heard by the Board of Deposit. The Chairman recessed the Board of Supervisors and reconvened as the Board of Directors of the Board of Deposit.**

**a. 05141-RFP, BANK SERVICING AGREEMENT**

RECOMMENDATION FOR RENEWAL: 05141-RFP, Bank Servicing Agreement (\$1,000,000 estimated/one year until June 30, 2010). Renewal of contract to provide all banking services for the Maricopa County Treasurer and other agencies/departments as required under Arizona Revised Statutes. Awardee: Bank Of America. (C-73-09-053-3-00)

Motion to approve by: Director Stapley, Seconded by: Director Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

**Chairman Wilson reconvened as the Board of Supervisors.**

**b. 04161-RFP, DENTAL SERVICES PLAN ADMINISTRATION**

RECOMMENDATION FOR RENEWAL: 04161-RFP, Dental Services Plan Administration (\$22,000,000 estimate/ three years until June 30, 2012). Renewal to provide a contract for Employee Dental Benefits. This contract includes an ASO (Self-insured plan - CIGNA) and as an employee option (Delta Dental) a fully insured plan. The ASO plan includes dental claim administration and a dental network. Awardee: Cigna Dental Delta Dental of Arizona (C-73-09-054-3-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

**c. 04233-S, WIDE AREA NETWORK INFRASTRUCTURE SERVICE – LIBRARY DISTRICT**

RECOMMENDATION FOR RENEWAL: 04233-S, Wide Area Network Infrastructure Service – Library District (\$1,200,000 estimate/two years until February 28, 2011). Two-year price agreement renewal to provide carrier services under the E-Rate program for the Library District. Awardee: Qwest Communications (C-73-09-055-3-00)

The Clerk announced that item 37c must be moved to the Library District Board hearing later in this meeting. The motion and vote was taken at that time.

**Parks and Recreation**

**38. INCREASE ONE-TIME FUND USE FOR PARKS MARKETING PROGRAM**

Pursuant to A.R.S. §42-17106(B), approve the transfer of expenditure authority between Non-Departmental (470) Grants Fund (249) Non-Departmental Grants (4711) Non-Recurring/Non-Project (0001) and the Parks and Recreation (300) Parks and Recreation Enhancement Fund (241) Non-Recurring/Non-Project (0001) in the amount of \$40,000 for a marketing campaign that will help to promote the park system to the general public. This action will require an expenditure appropriation adjustment decreasing the FY 2008-09 Non-Departmental (470) Grants Fund (249) Non-Departmental Grants (4711) Non-Recurring/Non-Project (0001) by \$40,000 and increasing the FY 2008-09 Parks and Recreation (300) Parks and Recreation Enhancement Fund (241) Non-Recurring/Non-Project (0001) by \$40,000. Also decrease the revenue appropriation in the Non-Departmental (470) Non-Departmental Grants Fund (249) Non-Recurring/Non-Project (0001) Potential Expenditures from Fund Balance line by \$40,000. The expenditure is not from the General Fund. It is anticipated that the marketing campaign will improve attendance and concession revenues to the Parks Enhancement Fund. The net impact to the overall county budget is zero.

Parks is requesting approval from the Board to embark on a marketing campaign that will help to promote the park system to the general public. In addition, this campaign will act as an educational tool to inform the public on facilities, services and opportunities available in county parks. Methods used for the campaign will include digital billboards, banner and



video ads and mass printing and distribution of the park system brochures. (C-30-09-020-2-00)

Motion to withdraw by: Supervisor Wilcox, Seconded by: Supervisor Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

## **ASSISTANT COUNTY MANAGER - REGIONAL DEVELOPMENT SERVICES**

### **Air Quality Department**

#### **39. ENVIRONMENTAL PROTECTION AGENCY AIR 105 GRANT FOR DUST CONTROL**

Approve the application and acceptance of grant funds from US Environmental Protection Agency (EPA), (Award # A-00905209-0), in the not-to-exceed amount of \$1,011,789 for the purpose of continuing support for activities related to the Air Quality Dust Control Program. The grant award begins on October 1, 2008 and ends on September 30, 2009. Authorize the Chairman to sign all documents related to these grant funds as applicable. The grant allows a 17.3% rate for indirect costs, or \$149,224 which may be incurred by the Air Quality Department or Maricopa County for the administration of this grant. The Maricopa County Department of Finance has calculated the Air Quality Department's composite indirect cost rate at 17.3%, or \$149,224. The recoverable indirect cost of administering this grant is \$149,224; the non-recoverable indirect cost is \$0. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore, expenditure of the funds is not prohibited by the budget law.

The funding agreement A-00905209-0 releases 85% of the funds. As in previous years, full funding will be released in a subsequent amendment. (C-85-09-013-G-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

### **Emergency Management**

#### **40. COMMUNITY WILDFIRE PROTECTION PLAN GRANT**

Accept the Community Wildfire Protection Plan Grant (CWPP) for western Maricopa County from the State Forester to Maricopa County through the Department of Emergency Management (MCDEM) in the not-to-exceed amount of \$50,000. This grant will identify and prioritize areas for hazardous fuel reduction treatments and recommend the types and methods of treatments that will protect the communities at risk within western Maricopa County. The grant award begins on December 23, 2008 and ends September 30, 2009. The grant allows for full indirect cost recovery. The recoverable indirect cost of administering this grant is \$6,900. The Maricopa County Department of Finance has calculated the Department of Emergency Management's composite indirect cost rate at 13.80%, or \$6,900. Approve the waiver of \$6,900 in indirect cost recovery and absorb the cost in the budget. The Department plans to apply 100% of the grant to the CWPP. Approve an increase in revenue and expenditure appropriation to the Department of Emergency Management (150) Emergency Management Grant Fund (215) Non Recurring Non Project (0001) in the amount of \$50,000. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore, expenditure of the funds is not prohibited by the budget

law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. 42-17105. (C-15-09-013-G-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Stapley  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

## **Planning and Development**

### **41. ADMINISTRATIVE CORRECTION RELATED TO HASSAYAMPA RANCH DEVELOPMENT AGREEMENT**

Approve an administrative correction to the action taken June 18, 2008 (C-44-08-015-0-00) regarding the Hassayampa Ranch Development Agreement with Hassayampa Ranch Ventures, LLC. The development agreement was entered into as required by stipulation "e" of the Development Master Plan case (DMP2005-007) for Hassayampa Ranch previously approved January 2, 2007. This agreement was recorded as required pursuant to A.R.S. §11-1101 under recording number 2008-0562704. This administrative correction changes the parties name from Hassayampa Ranch Ventures, LLC to Hassayampa Ranch Ventures A, B, C & D, LLC, each a Delaware limited liability company. All other terms and conditions of the development agreement remain unchanged. (Supervisory District 4)

The original agenda item (C4408015000) listed the development agreement between Maricopa County and Hassayampa Ranch Ventures, LLC. The executed and recorded agreement lists the following parties to the agreement Hassayampa Ranch Ventures A, LLC; Hassayampa Ranch Ventures B, LLC; Hassayampa Ranch Ventures C, LLC; and Hassayampa Ranch Ventures D, LLC, respectively. This administrative correction is necessary to correct the parties names from Hassayampa Ranch Ventures, LLC to Hassayampa Ranch Ventures, A, B, C, & D, LLC. (C-44-08-015-0-02)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Stapley  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

## **ASSISTANT COUNTY MANAGER - PUBLIC WORKS**

### **Facilities Management**

### **42. CANCELLATION OF RETHERM FOOD DELIVERY RETROFIT PROJECT**

Approve the cancellation of the Retherm Food Delivery Retrofit Project. In accordance with A.R.S. Section 42-17106(B): Decrease the expenditure budget for the Retherm Food Delivery Retrofit (RFDR) project (Department 470, Fund 455) by a total of \$4,856,030 in Year 1 (FY 2008-09), \$10,000,000 in Year 2 (FY 2009-10) and \$4,898,900 in Year 3 (FY 2010-11) thereby reducing the total project budget from \$20,000,000 to \$245,070 which is the amount that has already been spent on the project. This action cancels the design and installation of a new Retherm feeding system for the Towers, Estrella, and Durango jails. This adjustment does not alter the duly adopted budget for purposes of A.R.S. § 42-17105, but rather reflects internal adjustments necessitated by a forecasted reduction in revenues. Also, per A.R.S. §42-17106(b), approve the transfer of expenditure authority in the amount of \$925,997 from FY 2008-09 Non-Departmental (470) Detention Fund (255) Unreserved Contingency (4711) Non-recurring (0001) to a new line item in Non-Departmental (470) Detention Fund (255) Other Programs (4712) Non-Recurring (0001) entitled "Sheriff Heat

and Serve Migration.” All Expenses that will be charged to the “Sheriff Heat and Serve Migration” line in Non-Departmental (470) must be approved by the Office of Management and Budget. This action will use savings from the Retherm Food Delivery Project to install a heat and serve system in the 4th Avenue, Lower Buckeye jails, Juvenile and the Tents. The system is currently used in the Towers, Estrella and Durango jails. (C-70-09-025-2-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Stapley  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

**43. RESCIND PRIOR ACTION AND APPROVE AMENDMENTS TO FY2008-09 CAPITAL IMPROVEMENT PROGRAM**

1. Rescind action taken on November 18, 2008 (C-70-09-010-2-00) regarding amending the Public Works 5-YR Capital Improvement Program – Carry Over to add Morristown, Cave Creek and Hassayampa Transfer Stations.

2. Approve the following amendments in accordance with A.R.S. 42-17106(B), to the FY 2008-09 Public Works Five-Year Capital Improvement Program in the Non-Departmental (470) Intergovernmental Capital Projects Fund (422) Fund. These adjustments result in a net impact of zero and do not change the duly adopted budget as approved by the Board of Supervisors:

a) Add a new project entitled “Hassayampa Transfer Station (HTTS).”

b) Add a new project entitled “Morristown Transfer Station (MTTS).”

c) Add a new project entitled “Cave Creek Transfer Station (CCTS).”

d) Pursuant to ARS 42-17106(B), approve the following:

3. Transfer Expenditure authority from Public Works (910) Waste Tire Fund (290) Recurring (0000) to Public Works (910) Solid Waste Fund (580) Recurring (0000) in the amount of \$255,000.

4. Approve a Fund Transfer from Public Works (910) Solid Waste Tire Fund (580) Recurring (0000) to Fund Intergovernmental Capital Projects Fund (422) Cave Creek Transfer Station (CCTS) in the amount of \$255,000 with offsetting expenditures to Eliminations Department (980) Eliminations Fund (900) Operating (0000).

e) Decrease FY 2008-09 project and project budget for the Rainbow Valley Transfer Station (RVTS) project by \$700,000 from \$975,000 to \$275,000.

f) Decrease FY 2008-09 project and project budget for the New River Transfer Station (NRTS) project by \$295,000 from \$975,000 to \$680,000.

g) Increase FY 2008-09 project and project budget for the Morristown Transfer Station (MTTS) project by \$35,000 from \$0 to \$35,000.

h) Increase FY 2008-09 project and project budget for the Hassayampa Transfer Station (HTTS) project by \$35,000 from \$0 to \$35,000.

i) Increase FY 2008-09 project and project budget for the Cave Creek Transfer Station (CCTS) project by \$1,180,000 from \$0 to \$1,180,000.

The requested action is necessary because the projects were scheduled to be completed by June 30, 2008, and were not, so funding for the Morristown and Hassayampa transfer stations needs to be carried over into FY 2008-09. The Cave Creek Transfer Station was inadvertently left out of the FY 2008-09 budget.

Approval of this item will adjust the FY 2008-09 Intergovernmental Capital Projects Fund budget by reallocating expenditure authority from the Rainbow Valley Transfer Station to the Morristown and Hassayampa Transfer Stations and increase Fund 422 in the amount of \$255,000 in order to complete the Cave Creek Transfer Station in FY 2008-09. (C-70-09-010-2-02)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Stapley  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

#### **Public Works**

#### **44. EASEMENT, RIGHT-OF-WAY, AND RELOCATION ASSISTANCE DOCUMENTS**

Approve easements, right-of-way documents, and relocation assistance for highway and public purposes as authorized by road file resolutions or previous Board of Supervisors' action. The list is on file in the Clerk of the Board's Office. (C-06-09-319-7-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

#### **45. IGA WITH CITY OF GOODYEAR FOR FIRE PRE-EMPTION EQUIPMENT INSTALLATION AND MAINTENANCE ON COUNTY OWNED TRAFFIC SIGNALS**

Approve the Intergovernmental Agreement (IGA) between the County of Maricopa, a body politic, acting through the Maricopa County Department of Transportation, (County) and the City of Goodyear, a municipal corporation (Goodyear) for Fire Pre-Emption Equipment Installation and Maintenance on County Owned Traffic Signals. This Agreement shall be effective as of the date it is filed with the Maricopa County Recorder and remain in full force and effect until all stipulations have been satisfied. (C-91-09-123-M-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

#### **46. IGA WITH THE TOWN OF QUEEN CREEK, AND PINAL COUNTY FOR THE SCOPING/DESIGN CONCEPT REPORT OF MERIDIAN ROAD FROM EMPIRE BOULEVARD TO OCOTILLO ROAD**

Approve the Intergovernmental Agreement among Maricopa County, acting through the Maricopa County Department of Transportation (Maricopa County), the Town of Queen Creek (Town) and the County of Pinal, acting through the Pinal County Department of Public Works (Pinal County) for the scoping/design concept report (DCR) of Meridian Road from Empire Boulevard to Ocotillo Road. The estimated cost for the Partnership Support (PSUP) Project, Job Number T275, is \$1 million. The Town and Pinal County will each contribute \$200,000 towards the completion of the study. Maricopa County is responsible for 100% of remaining cost of the project. Maricopa County's total estimated contribution to this DCR is \$600,000. Any additional cost incurred by Maricopa County over and above the equivalent partner contribution shall be credited towards its share of future costs when the project

proceeds to a subsequent stage of development. This IGA shall become effective on date approved by all of the Partners and shall be filed with the Maricopa and Pinal County Recorders and the Secretary of State and shall remain in full force and effect until all stipulations have been satisfied.

The purpose of this scoping/DCR is to provide the necessary information for a comparative evaluation of alternatives and ultimately a coordination document to guide design and construction of future improvements. The study is scheduled to begin in Spring 2009 and the County will act as lead agency. Any additional cost incurred by Maricopa County over and above the equivalent partner contribution shall be credited towards its share of future costs when the project proceeds to a subsequent stage of development. The Town and Pinal County will be invoiced for their established cost share upon execution of the consultant contract. (Supervisory District 1) (C-91-09-115-M-00)

Supervisor Brock thanked Kenny Harris, Bruce Bartholomew and John Hoskins for working with East Valley officials so effectively and patiently to move this item forward.

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

**47. IGA WITH THE TOWN OF GILBERT FOR IMPROVEMENTS TO HIGLEY ROAD**

Approve the Intergovernmental Agreement between Maricopa County, acting through the Maricopa County Department of Transportation (County) and the Town of Gilbert (Town) for improvements to Higley Road from East Maricopa Floodway to 1370 ft north. The Town of Gilbert will provide 100% of the funding for the improvements to the Project and the County is responsible for providing staff support and conducting a cursory review of all plans and drawings provided by the Town. This agreement shall become effective as of the date filed with the Maricopa County Recorder and remain in full force and effect until all stipulations have been satisfied.

The purpose of this project is to widen Higley Road to accommodate six lanes (three lanes north and south bound) with a raised median. The Project will also include bridge widening and improvements across the East Maricopa Floodway and the Roosevelt Water Conservation District (RWCD) Canal. Upon completion and acceptance of the Project, Gilbert will assume all rights of ownership and responsibility for operation and maintenance and proceed with annexation of the roadway. The County will issue no-cost permits to the Town to work within unincorporated limits of the County. In addition, if requested by the Town, the County will assist with the acquisition of right-of-way within the County's jurisdiction. The County will forward any invoices to the Town for payment of any expenses that may be accrued for the acquisition of right-of-way for the Project. Construction of this Project was initiated in October 2008. Supervisory District No. 1 (C-91-09-111-M-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

**48. CHANGE ORDER NO. 5 WITH ITS ENGINEERS AND CONSTRUCTORS, INC.**

Approve Change Order No. 5 with ITS Engineers and Constructors, Inc. (2005-089) in the amount of \$1,000,000 for a revised total contract amount of \$5,000,000. The purpose of this Change Order is to increase the contract amount by an additional \$1,000,000 and a time extension of 365 days for Signalized Intersection Improvements through April 5, 2010.

This Job Order Contract was awarded for \$3,000,000 for up to five years. In accordance with Maricopa County Procurement Code MC1-504.G, a JOC can be awarded for \$3,000,000 per year up to five years for a total sum amount of \$15,000,000. This amendment requests an increase of \$1,000,000 to the contract for a total revised not-to-exceed amount of 5,000,000. New traffic signals are needed as soon as identified for safety, mobility, and congestion mitigation in order to reduce traffic delays throughout Maricopa County. Job Order Contracting is authorized by Article 5 of the Procurement Code to enable the County to expediently complete smaller construction projects using pre-qualified contractors with structured pricing basis. The Maricopa County Department of Transportation (MCDOT) develops the scope of work and approves the contractor's cost proposal (based on a nationally recognized cost estimating system with modifications based on the contractor's fixed cost coefficient and overhead/profit percent) prior to the contractor starting work on a specific job order project. The costs will be paid by budgeted funds from the Department's Capital Improvement Program under various work order numbers. Supervisory Districts 1, 2, 3, 4 and 5. (C-64-06-218-5-02)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

**49. PURCHASE EXCESS PARCELS FROM FLOOD CONTROL DISTRICT - AVENIDA DEL SOL AND CIELO GRANDE**

Approve and authorize the Board of Supervisors to sign special warranty deeds that will convey property from the Flood Control District to Maricopa County for roadway projects for the purchase amount of \$217, 780.

Maricopa County needs property from the Flood Control District for two roadway projects. These properties, which are owned by the District, were declared excess by the Board of Directors on November 18, 2008, (C-69-09-020-8-00) and authorized for sale to MCDOT on February 25, 2009 (C-69-09-045-8-00). Approve and sign deeds for acceptance of these properties for the roadway projects. A) Property parcel number is 201-15-214 located at 87th Avenue and Avenida del Sol has been appraised at \$69,970.00 and is 15,548 square feet. B) Parcels APN 201-15-012N, APN 201-15-012Q and APN 201-15-012S are located at 91st Avenue and Cielo Grande. Sale Price is \$147,810 for 16,500 square feet. These properties are needed for two Maricopa County Dust Mitigation (DMIT) projects, Job Number T176, Low Volume Roads Program Phase II. All properties were appraised by a certified licensed appraiser. A corresponding agenda item is listed on the Flood Control Agenda under C-69-09-045-8-00. (Supervisory District 4) (C-91-09-112-M-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

**50. ANNEXATION (RIGHT OF WAY) BY THE CITY OF GOODYEAR**

Pursuant to A.R.S. § 9-471(N), approve the annexation by the City of Goodyear of County right-of-way within: Cotton Lane from McDowell Road to Indian School Road, in accordance with Ordinance No. 2008-1145. (Supervisory District No. 4) (C-91-09-116-M-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

**51. ANNEXATION (RIGHT OF WAY) BY THE CITY OF GOODYEAR**

Pursuant to A.R.S. § 9-471(N), approve the annexation by the City of Goodyear of County right-of-way within: Camelback Road from Cotton Lane to Village Parkway, in accordance with Ordinance No 2008-1146. (Supervisory District No. 4) (C-91-09-117-M-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

**52. ANNEXATION (RIGHT OF WAY) BY THE CITY OF GOODYEAR**

Pursuant to A.R.S. §9-471(N), approve the annexation by the City of Goodyear of County right-of-way within: Indian School Road from Cotton Lane to Loop 303, in accordance with Ordinance No. 2008-1147. (Supervisory District No. 4) (C-91-09-127-M-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

**53. ANNEXATION (RIGHT OF WAY) BY THE CITY OF GOODYEAR**

Pursuant to A.R.S. §9-471(N), approve the annexation by the City of Goodyear of County right-of-way within: Cotton Lane from Indian School Road to Camelback Road, in accordance with Ordinance No. 2008-1148. (Supervisory District No. 4) (C-91-09-128-M-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

**54. ANNEXATION (RIGHT OF WAY) BY THE CITY OF GOODYEAR**

Pursuant to A.R.S. §9-471(N), approve the annexation by the City of Goodyear of County right-of-way within: Indian School Road from Citrus Road to Cotton Lane, in accordance with Ordinance No. 2008-1149. (Supervisory District No. 4) (C-91-09-129-M-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

**55. ANNEXATION (RIGHT OF WAY) BY THE CITY OF GOODYEAR**

Pursuant to A.R.S. §9-471(N), approve the annexation by the City of Goodyear of County right-of-way within: Thomas Road from Cotton Lane to Loop 303, in accordance with Ordinance No. 2008-1150. (Supervisory District No. 4) (C-91-09-124-M-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

**56. ANNEXATION (RIGHT OF WAY) BY THE CITY OF GOODYEAR**

Pursuant to A.R.S. §9-471(N), approve the annexation by the City of Goodyear of County right-of-way within: Citrus Road from McDowell Road to Indian School Road, in accordance with Ordinance No. 08-1136. (Supervisory District No. 4) (C-91-09-125-M-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

**57. ROAD ABANDONMENT (ROAD FILE NO. AB-223)**

Adopt Resolution AB-223 to abandon a portion of Morning Vista Lane in the vicinity of Dixileta Drive and 56th Street, per A.R.S. §28-7214, by extinguishing the easement which was conveyed to Maricopa County by means of an Easement and Agreement for Highway Purposes on March 3, 1986 and recorded by the Maricopa County Recorder as Instrument Number 1986-0100024. Supervisory District No. 3 (C-91-09-126-M-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

**58. BID AND AWARD FOR 2009 ASPHALT-RUBBER OVERLAY PROJECT - PLAN "B"**

Approve the solicitation of bids for the Maricopa County Department of Transportation's 2009 - Asphalt-Rubber Overlay Project - Plan 'B', Pavement Preservation (PAVE) Project, Job Number TT309. Also, approve the award of a contract to the lowest responsive responsible bidder, provided that the lowest responsive responsible bidder does not exceed the Engineer's estimate by more than ten percent.

This project consists of overlaying the existing road surfaces with Asphalt-Rubber Concrete Pavement. An Asphalt-Rubber Overlay will prolong the life span of a road 15 to 20 years, increase the structural strength of the road to accommodate the higher traffic counts predicted for the near future, and will reduce noise emanating from the traffic on the road. The project consists of approximately 25 lane miles of various arterial roads. Supervisory Districts 2, 3, 4, and 5 (C-91-09-119-M-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

**59. BID AND AWARD FOR SUN CITY MILL & RESURFACE PROJECT**

Approve the solicitation of bids for the Maricopa County Department of Transportation's Sun City Mill & Resurface Project, Phase 2B (MRS2B), Pavement Preservation Project, Job Number TT173. Also, approve the award of a contract to the lowest responsive responsible bidder, provided that the lowest responsive responsible bidder does not exceed the Engineer's estimate by more than ten percent.

This project consists of edge-milling the existing road surfaces and replacing with new asphalt concrete pavement. The new pavement surfacing is necessary due to the deteriorating pavement on these roads and will extend the useful performance life of these roads. Resurfacing and delineating these roads will provide structurally sound, smooth-riding, and safe roadways for the traveling public. The project consists of approximately 14 lane miles of various arterial and local roads. Supervisory District No. 4 (C-91-09-118-M-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek



**60. ADJUSTMENT TO FY 2008-09 TRANSPORTATION BUDGET**

Pursuant to A.R.S. § 42-17106 (B), approve a FY 2008-09 fund transfer decrease in the amount \$7,551,475 from the Public Works Department (910) Transportation Operations Fund (232) Non-Recurring (0001) expenditures and Public Works Department (910) Transportation Capital Projects Fund (234) Non-Recurring (0001) revenues. This fund transfer reduction requires offsetting revenue and expenditure adjustments in the Eliminations Department (980) Eliminations Fund (900).

Approval of this item decreases expenditures in the Transportation Operations Fund (232) due to a decrease in the collection of the Highway User Revenue Funds (HURF) and the State Shared Vehicle License Tax (VLT) in comparison to the FY 2008-09 budget. The FY 2008-09 budget is based on Elliot Pollack's Forecast from January of 2008, which did not account for the State of Arizona shifting HURF funds to the Department of Public Safety. This action also decreases the corresponding revenue in the Transportation Capital Projects Fund (234).

It is not necessary to reduce the expenditures in the Transportation Capital Projects Fund (234) as the department is forecasted to under spend against the appropriation and has adjusted expenditures accordingly. (C-91-09-120-2-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

**BOARD OF SUPERVISORS**

**Clerk of the Board**

**61. REAPPOINTMENTS TO THE BUILDING CODE ADVISORY BOARD**

Pursuant to A.R.S. 11-862, reappoint Tracy Finley representing General Contractors and Arthur Luera as the Public Member Representative to the Building Code Advisory Board. The term of these appointments will be effective March 31, 2009 through March 30, 2013. (C-44-09-092-9-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

**SETTING OF HEARINGS**

~All hearings will be held at 9:00 am, 205 W. Jefferson, Phoenix, unless otherwise noted~

**Planning and Development**

**62. ZONING CASES**

Schedule Planning and Development public hearings on zoning cases and other matters for the March 18, 2009 meeting. (List is on file in the Clerk of the Board's office.) (C-44-09-096-M-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

#### **Public Works**

- 63.** Set a public hearing to declare the following roads into the county highway system for 9:00 m, Wednesday, April 1, 2009.

**a. ROAD FILE NO. 5807**

Adopt Resolution setting hearing on Road File No. 5807 to Open and Declare the following described alignments into the County Transportation System.

General Vicinity: Area bordered by Olive Avenue on the South, Peoria Avenue on the North, Perryville Road on the West and Citrus Road on the East. This action is in accordance with A.R.S. Titles 28- 6701, 6705(A) and 11-806.01(M). Supervisor District No. 4 (C-91-09-122-M-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

### **CONSENT AGENDA**

#### **Clerk of the Board**

**64. ASRS CLAIMS**

Pursuant to A.R.S. §38-711 et., authorize payment of claims submitted by the Arizona State Retirement System, on behalf of current or former employees regarding contributions not withheld for purposes of participation in the Arizona State Retirement System. Amounts may be recalculated employer payments to show accrued interest payments. Claims presented are on file in the Clerk of the Board's Office. (C-06-09-311-7-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

**65. ARIZONA POLLUTION CONTROL CORPORATION REVENUE REFUNDING BONDS**

Approve a Resolution approving the Proceedings of Maricopa County, Arizona Pollution Control Corporation for the issuance of not-to-exceed \$163,975,000 Pollution Control Revenue Refunding Bonds (Arizona Public Service Company Palo Verde Project) to be issued in one or more series. (ADM5134) (C-06-09-276-4-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

**66. DUPLICATE WARRANTS**

Pursuant to A.R.S §11-632, approve and ratify the issuance of duplicate warrants to replace county warrants and school warrants which were either lost or stolen. Necessary affidavits

have been filed with the Board. Affidavits presented are on file in the Clerk of the Board's Office. (C-06-09-313-7-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

**67. MINUTES**

Pursuant to A.R.S. §§38-431.01 and 11-217, approve the minutes of the Board of Supervisors' meetings held August 6, 2008; October 15, 2008; and December 23, 2008. (C-06-09-299-7-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

**68. PRECINCT COMMITTEEMEN**

Pursuant to A.R.S. §16-821, authorize the appointment and cancellation of appointment of Precinct Committeemen. List is on file in the Clerk of the Board's Office. (C-06-09-314-7-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

**69. SECURED TAX ROLL CORRECTIONS**

Pursuant to A.R.S. §§42-15155, 16002, 16215, 16258, and 19118, approve requests from the Assessor for corrections of the Secured Tax Rolls Resolutions. This reflects actual tax dollar corrections to the County tax rolls due to administrative corrections of the Assessor and as a result of property tax appeals. Resolutions on file in the Clerk of the Board's Office. (C-06-09-315-7-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

**70. SETTLEMENT OF PROPERTY TAX CASES**

Pursuant to A.R.S. §§42-16201 through 16215, approve the settlement of tax cases dated February 25, 2009. List is on file in the Clerk of the Board's Office. (C-06-09-321-7-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

**71. STALE DATED WARRANTS**

Pursuant to A.R.S. §11-644 the Board of Supervisors finds that claims presented, are legitimate and that claimants have demonstrated good and sufficient reason for failure to present the original check or warrant within the allotted time. Accordingly, the claims are allowed. List of claims is on file in the Clerk of the Board's Office. (C-06-09-316-7-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

**72. TAX ABATEMENTS**

Approve requests for tax abatements from the Treasurer's Office pursuant to A.R.S. §42-18353. List is on file in the Clerk of the Board's Office. (C-06-09-317-7-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

**BOARD OF SUPERVISORS ADDENDUM**

**County Manager**

**A-1. AUTHORIZE SETTLEMENT IN SOUTH CAMPUS GROUP HOUSING, LLC V. MARICOPA COUNTY, TX2008-000530, TX2008-000400, TX2007-000088, AND TX2007-000087**

Authorize settlement of South Campus Group Housing, LLC v. Maricopa County, TX2008-000530, TX2008-000400, TX 2007-000088 and TX2007-000087, with a stipulated judgment granting an exemption as prayed for by Plaintiff, with no award of attorney's fees to Plaintiff as addressed in Executive Session on February 23, 2009. (C-19-09-042-M-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

**Workforce Management and Development**

**A-2. TRANSITION OF REPRESENTATION, APPOINTMENTS, AND REAPPOINTMENTS OF RYAN WHITE PART A PLANNING COUNCIL MEMBERS**

Approve the Transition of Membership Status and Reappointment of This Existing Member: The County Manager recommends the transition of the membership status of Eric Moore from Alternate to representing Service Providers, Ryan White Part C. Additionally, consistent with Article III of the Bylaws of the Phoenix EMA Ryan White Planning Council and after satisfactory completion of the pre-screening process approved by the Maricopa County Board of Supervisors for existing Planning Council members, the County Manager recommends the reappointment of Eric Moore for a three-year term from March 1, 2009 through March 1, 2012.

Reappointment of Existing Members: consistent with Article III of the Bylaws of the Phoenix EMA Ryan White Planning Council and after satisfactory completion of the pre-screening process approved by the Maricopa County Board of Supervisors for existing Planning Council members, the County Manager recommends the reappointment of Randall Furrow, representing the General Public; Larry Stähli, representing the General Public; Stephen O'Dell, representing the General Public; Debby Elliott, representing Service Providers, Care Directions; Philip Seeger as an Alternate for Debby Elliott, representing Service Providers, Care Directions; Keith Thompson, representing Service Providers, Phoenix Shanti; and Carol Williams, representing Institutional Members, Spectrum Medical Group. All

reappointments are for three-year terms from February 25, 2009 through February 25, 2012.

New Appointments: Consistent with Article III of the Bylaws of the Phoenix EMA Ryan White Planning Council and after satisfactory completion of the pre-screening process approved by the Maricopa County Board of Supervisors for new Planning Council members, the County Manager recommends the appointment of Jonathan Harris (representing General Public) and Dr. Jennifer Lewis (representing Service Providers, representing Southwest Center for HIV) to the Planning Council as full members for three-year terms, from February 25, 2009 through February 25, 2012. Additionally, the County Manager recommends the appointment of the following individuals as Alternates for existing members: Susan Smola as an Alternate for Cheri Tomlinson, Service Provider, Ryan White Part D, for the remainder of Cheri's membership term, which expires on February 28, 2010; and Yvette Madero as an Alternate for Maclovía Morales, Service Provider, Chicanos Por la Causa, for the remainder of Maclovía's term which expires on February 28, 2010.

The Membership Committee of the Ryan White Planning Council has confirmed that the individuals listed above represent membership categories consistent with the Bylaws and federally mandated membership requirements. As provided in the process approved by the Board of Supervisors, there is no pre-screening undertaken for any individuals recommended for reappointment or who had previously served in an Alternate capacity.

#### Transition of Representation and Reappointment

- Transition the membership status of Eric Moore, current Alternate for Cheri Tomlinson, representing Service Providers, Ryan White Part D to full Planning Council member representing Service Providers, Ryan White Part C.
- Additionally, reappoint Eric Moore, representing Service Providers, Ryan White Part C, for a three-year term from the date of the BOS meeting at which the reappointment is approved.

#### Reappointments

- Reappoint Randall Furrow, representing the General Public for a three-year term from the date of the BOS meeting at which the reappointment is approved.
- Reappoint Larry Stähli, representing the General Public for a three-year term from the date of the BOS meeting at which the reappointment is approved.
- Reappoint Stephen O'Dell, representing the General Public for a three-year term from the date of the BOS meeting at which the reappointment is approved.
- Reappoint Debby Elliott, representing Service Providers, Care Directions for a three-year term from the date of the BOS meeting at which the reappointment is approved.
- Reappoint Philip Seeger as an Alternate for Debby Elliott, representing Service Providers, Care Directions for a three-year term from the date of the BOS meeting at which the reappointment is approved.
- Reappoint Keith Thompson, representing Service Providers, Phoenix Shanti for a three-year term from the date of the BOS meeting at which the reappointment is approved.
- Reappoint Carol Williams, representing Institutional Members, Spectrum Medical Group for a three-year term from the date of the BOS meeting at which the reappointment is approved.

#### New Appointments:

- Appoint Jonathan Harris, representing the General Public to the Ryan White Planning Council, for a three-year term from the date of the BOS meeting at which the appointment is approved.
- Appoint Dr. Jennifer Lewis, representing Service Providers, Southwest Center for HIV to the Ryan White Planning Council, for a three-year term from the date of the BOS meeting at which the appointment is approved.
- Appoint Susan Smola for appointment to the Planning Council as an Alternate for Cheri

Tomlinson, Service Provider, Ryan White Part D, for the remainder of Cheri's membership term, which expires on February 28, 2010.

- Appoint Yvette Madero for appointment to the Planning Council as an Alternate for Maclovía Morales, Service Provider, Chicanos Por la Causa, for the remainder of Maclovía's term, which expires on February 28, 2010. (C-31-09-010-9-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

## **Materials Management**

### **A-3. SPECIALTY LEGAL SERVICES PROVIDERS – BOARD OF SUPERVISORS**

Approve the following solicitation serial item(s).

Serial: 06080-ROQ

Item: Specialty Legal Services Providers – Board of Supervisors (N/A Contract value remains constant. estimate / UNTIL FEBRUARY 28, 2010) Recommendation for subsequent contract awards through the current contract period (thru 2/28/2010) for specialty legal services providers for the Maricopa County Board of Supervisors.

Law Office of Ralph Adams  
Ballard, Spahr, Andrews & Ingersoll  
Engelman Berger, PC  
Law Office of Karen Clark  
Kirsch-Goodwin & Kirsch, PLLC  
Moyes, Sellers & Sims LTD  
Sachs Tierney PA  
Law Office of Rene Williams (C-73-09-057-7-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

## **Planning and Development**

### **A-4. LIFT SUSPENSION OF ISSUANCE OF BUILDING PERMITS**

Lift the temporary suspension of the issuance of building permits in the "Clear Zone", "APZ 1", "APZ 2", and the "80-85 LDN Noise Contour" adjacent to Luke Air Force Base, Auxiliary Field One, and Auxiliary Field Two that was enacted on August 20, 2008 (C-06-09-068-M-00). Maricopa County will issue only these permits that comply with A.R.S. §28-8481(J). This action will allow for compliance with Arizona State Statute. This matter was discussed in Executive Session on February 18, 2009. (C-06-09-068-M-01)

Chairman Wilson said lifting the suspension on issuing building permits could create problems in the future but the Board did not feel property owners in the area should be penalized any longer and had lifted the order to suspend.

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

**MEETING RECESSED**

Chairman Wilson recessed the Board of Supervisors to reconvene as the Board of Directors of various districts.

## **IMPROVEMENT DISTRICT AGENDA**

The Board of Directors of the Improvement District convened in Formal Session at 9:00 AM on Wednesday, February 25, 2009, in the Supervisors Auditorium with the following members present: Max Wilson, Chairman, District 4; Don Stapley, Vice Chairman, District 2; Fulton Brock, District 1; Mary Rose Wilcox, District 5. Absent: Andrew Kunasek, District 3. Also present: Lori Pacini, Deputy Clerk of the Board; Shirley Million, Minutes Coordinator; David Smith, County Manager; and Victoria Mangiapane, Deputy County Attorney.

### **I-1. MINUTES**

Pursuant to A.R.S. §§38-431.01 and 11-217, approve the minutes of the Improvement District Board of Directors' meetings held August 6, 2008 and October 15, 2008. (C-06-09-300-7-00)

Motion to approve by: Director Brock, Seconded by: Director Wilcox  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

### **MEETING ADJOURNED**

There being no further business to come before the Board, the meeting was adjourned.

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Max W. Wilson, Chairman of the Board

ATTEST:

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Lori Pacini, Deputy Clerk of the Board



## **FLOOD CONTROL DISTRICT AGENDA**

The Board of Directors of the Flood Control District convened in Formal Session at 9:00 AM on Wednesday, February 25, 2009, in the Supervisors Auditorium with the following members present: Max Wilson, Chairman, District 4; Don Stapley, Vice Chairman, District 2; Fulton Brock, District 1; Mary Rose Wilcox, District 5. Absent: Andrew Kunasek, District 3. Also present: Lori Pacini, Deputy Clerk of the Board; Shirley Million, Minutes Coordinator; David Smith, County Manager; and Victoria Mangiapane, Deputy County Attorney.

### **F-1. EASEMENT, RIGHT-OF-WAY, AND RELOCATION ASSISTANCE DOCUMENTS**

Approve easements and right-of-way acquisition documents, appraisal and relocation assistance services contracts under \$5,000 per Resolution FCD 87-12; Escrow Instructions per Resolution FCD 87-13; Payment of Tax Notices per Resolution FCD 97-07; License Procedures and Fee Schedules per Resolution FCD2002R002; and disposal of easements, excess real property and fixtures under \$250,000 documents per FCD 1999R016 for Flood Control purposes. The list is on file in the Clerk of the Board's Office. (C-06-09-318-7-00)

Motion to approve by: Director Brock, Seconded by: Director Wilcox  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

### **F-2. MINUTES**

Pursuant to A.R.S. §§38-431.01 and 11-217, approve the minutes of the Board of Directors' meetings held August 6, 2008 and October 15, 2008. (C-06-09-301-7-00)

Motion to approve by: Director Brock, Seconded by: Director Wilcox  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

### **F-3. AMENDMENT TO IGA WITH UNITED STATES GEOLOGICAL SURVEY FOR DATA COLLECTION ON WATERSHEDS**

Approve Amendment No. 1 to Intergovernmental Agreement (IGA) 09W4AZ00300 between the United States Geological Survey (USGS) and the Flood Control District of Maricopa County (District) ; FCD 2008A012A, for Data Collection on Watersheds covering the period October 1, 2008 to September 30, 2009. This Amendment is to add a work task and approve additional costs. The total cost of the amended IGA is \$372,600. The District costs under this Agreement will be \$236,300, with the USGS contributing the remaining \$136,300. Payments are to be made quarterly.

The USGS is the recognized authority for water resource data collection and analysis, which provides unbiased hydrologic data necessary for the District and the engineering community to design flood control and drainage structures. The information generated by the USGS's ongoing work is vital to the safety of Maricopa County residents, and to the continuing hydrologic studies performed by the District. This Amendment is for an additional cost to add a work task that includes: 1. Determine flood-frequency relations at gaged sites in watersheds that affect Maricopa County. 2. Develop methods for estimating flood-frequency relations at ungaged sites for rural natural-flow areas and urban areas. 3. Develop an automated program (StreamStats) to apply the methods for estimating flood-frequency relations at ungaged sites. This item impacts all Supervisor Districts 1, 2, 3, 4, and 5 (C-69-09-017-9-01)

Motion to approve by: Director Wilcox, Seconded by: Director Stapley  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

**F-4. RESOLUTION FOR NORTHERN AVENUE STORM DRAIN - 47TH AVENUE TO 63RD AVENUE**

Adopt Resolution FCD 2008R020 for Northern Avenue Storm Drain from 47th Avenue to 63rd Avenue (Project) authorizing the Chief Engineer and General Manager of the Flood Control District of Maricopa County (District) to negotiate Intergovernmental Agreements (IGAs) with the City of Glendale and others as necessary for the project and authorizes funding to be included in the District's future five-year Capital Improvement Program (CIP). This item impacts Supervisor District 4. (C-69-09-046-6-00)

Motion to approve by: Director Wilcox, Seconded by: Director Stapley  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

**F-5. RESOLUTION FOR POWERLINE, VINEYARD ROAD AND RITTENHOUSE FLOOD RETARDING STRUCTURES REHABILITATION OR REPLACEMENT PROJECT**

Adopt Resolution FCD 2008R019 for Powerline, Vineyard Road, and Rittenhouse Flood Retarding Structures (FRS) Rehabilitation or Replacement Project (Project) authorizing the Chief Engineer and General Manager of the Flood Control District of Maricopa County (District) to negotiate Intergovernmental Agreements (IGAs) with Project participants as necessary for cost sharing, planning, design, construction, construction management, and operation and maintenance.

Three dams provide significant flood control and erosion protection of public infrastructure, residential, commercial and agricultural land within Maricopa and Pinal Counties. The District has identified a need to fully rehabilitate or replace these dams. This item impacts Supervisor District 1. (C-69-09-047-6-00)

Director Brock thanked Flood Control Director, Tim Phillips, for working so effectively with different jurisdictions and authorities to resolve flooding problems in the area.

Motion to approve by: Director Wilcox, Seconded by: Director Stapley  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

**F-6. RESOLUTION FOR UPPER CAMELBACK WASH DRAINAGE IMPROVEMENT**

Adopt Resolution FCD 2009R001 for Upper Camelback Wash Drainage Improvement Project (Project) authorizing the Chief Engineer and General Manager of the Flood Control District of Maricopa County (District) to negotiate and prepare Intergovernmental Agreements (IGAs) with Project participants for rights-of-way acquisition, design, construction, and construction management; operation and maintenance; to obtain the necessary rights of entry, property and/or easements for the improvement project; and funding to be included in the District's future five-year Capital Improvement Program (CIP).

These improvements will mitigate flooding hazards in the Upper Camelback Wash watershed. The proposed project will increase the existing system's capacity and level of protection for this watershed. This item impacts Supervisor District 2. (C-69-09-048-6-00)

Motion to approve by: Director Wilcox, Seconded by: Director Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

**F-7. SELL EXCESS PARCELS TO MCDOT - AVENIDA DEL SOL & CIELO GRANDE**

Approve and authorize the Board of Directors of the Flood Control District of Maricopa County (District) to sign the Special Warranty Deeds to convey two (2) properties from the District to Maricopa County Department of Transportation (MCDOT) for roadway projects in the total amount of \$217,780.

These property sales were declared excess by the Board of Directors on November 18, 2008 (C-69-09-020-8-00). A) Excess parcel APN 201-15-214 located at 87th Avenue and Avenida del Sol, sale price is \$69,970.00 for 15,548 square feet. B) Parcels APN 201-15-012N, APN 201-15-012Q and APN 201-15-012S located between 91st Avenue and Cielo Grande, sale price is \$147,810 for 16,500 square feet. These properties are needed for a MCDOT roadway widening project. All properties have been appraised at fair market value. A corresponding agenda item is listed on the Board of Supervisors' Agenda under C-91-09-112-M-00. (Supervisory District 4) (C-69-09-045-8-00)

Motion to approve by: Director Wilcox, Seconded by: Director Stapley  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

**FLOOD CONTROL DISTRICT ADDENDUM**

**FA-1. SETTLEMENT OFFER REJECTION & CROSS APPEAL RE: HERBERT E. DREISESZUN ET AL V. VULCAN MATERIALS COMPANY, CALMAT COMPANY, FLOOD CONTROL DISTRICT OF MARICOPA COUNTY, CV2002-014968**

Authorize counsel to reject settlement offer in Herbert E. Dreiseszun et al v. Vulcan Materials Company, Calmat Company, Flood Control District of Maricopa County, CV2002-014968, as discussed in Executive Session on February 23, 2009.

Further, authorize counsel to file a cross appeal in Herbert E. Dreiseszun et al v. Vulcan Materials Company, Calmat Company, Flood Control District of Maricopa County, CV2002-014968, as discussed in Executive Session on February 23, 2009. (C-19-09-043-M-00)

Motion to approve by: Director Stapley, Seconded by: Director Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

**MEETING ADJOURNED**

There being no further business to come before the Board, the meeting was adjourned.

\_\_\_\_\_  
Max W. Wilson, Chairman of the Board

ATTEST:

\_\_\_\_\_  
Lori Pacini, Deputy Clerk of the Board

## **LIBRARY DISTRICT AGENDA**

The Board of Directors of the Library District convened in Formal Session at 9:00 AM on Wednesday, February 25, 2009, in the Supervisors Auditorium with the following members present: Max Wilson, Chairman, District 4; Don Stapley, Vice Chairman, District 2; Fulton Brock, District 1; Mary Rose Wilcox, District 5. Absent: Andrew Kunasek, District 3. Also present: Lori Pacini, Deputy Clerk of the Board; Shirley Million, Minutes Coordinator; David Smith, County Manager; and Victoria Mangiapane, Deputy County Attorney.

### **L-1. MINUTES**

Pursuant to A.R.S. §§38-431.01 and 11-217, approve the minutes of the Board of Directors' meetings held August 6, 2008 and October 15, 2008. (C-06-09-302-7-00)

Motion to approve by: Director Stapley, Seconded by: Director Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

### **L-2. SOLE SOURCE CONTRACT WITH POLARIS LIBRARY SYSTEMS**

Approve a Sole Source Contract with Polaris Library Systems for the purchase of library management system hardware, software and ongoing maintenance. The term of this contract is for five years beginning the 1st day of April, 2009 and ending the 31st day of March 2014. Sole Source is estimated at \$1,500,000 over the five-year term.

Polaris runs the Library District's cataloging system. This sole source procurement was publicly advertised from September 11, 2008 through September 26, 2008, and was conducted in accordance with the Maricopa County Procurement Code and the County's Sole Source Procedure. In addition, this procurement was reviewed and approved by OMB and OET in October 2008 (C-65-09-008-3-00)

Motion to approve by: Director Stapley, Seconded by: Director Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

The Clerk announced that the following item, 37c, was moved to the Library District Board Meeting from the Board of Supervisors' portion of the meeting.

### **37. SOLICITATION SERIALS**

Approve the following solicitation serial items. The action on the following items is subject to Civil Division's review and approval of the respective contracts and subsequent execution of contracts.

#### **c. 04233-S, WIDE AREA NETWORK INFRASTRUCTURE SERVICE – LIBRARY DISTRICT**

RECOMMENDATION FOR RENEWAL: 04233-S, Wide Area Network Infrastructure Service – Library District (\$1,200,000 estimate/two years until February 28, 2011). Two-year price agreement renewal to provide carrier services under the E-Rate program for the Library District Awardee: Qwest Communications (C-73-09-055-3-00)

Motion to approve by Director Stapley, Seconded by: Director Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

**MEETING ADJOURNED**

There being no further business to come before the Board, the meeting was adjourned.

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Max W. Wilson, Chairman of the Board

ATTEST:

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Lori Pacini, Deputy Clerk of the Board

## **STADIUM DISTRICT AGENDA**

The Board of Directors of the Stadium District convened in Formal Session at 9:00 AM on Wednesday, February 25, 2009, in the Supervisors Auditorium with the following members present: Max Wilson, Chairman, District 4; Don Stapley, Vice Chairman, District 2; Fulton Brock, District 1; Mary Rose Wilcox, District 5. Absent: Andrew Kunasek, District 3. Also present: Lori Pacini, Deputy Clerk of the Board; Shirley Million, Minutes Coordinator; David Smith, County Manager; and Victoria Mangiapane, Deputy County Attorney.

### **S-1. MINUTES**

Pursuant to A.R.S. §§38-431.01 and 11-217, approve the minutes of the Board of Directors' meetings held August 6, 2008 and October 15, 2008. (C-06-09-303-7-00)

Motion to approve by: Director Brock, Seconded by: Director Stapley  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

### **MEETING ADJOURNED**

There being no further business to come before the Board, the meeting was adjourned.

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Max W. Wilson, Chairman of the Board

ATTEST:

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Lori Pacini, Deputy Official Record Keeper

**MEETING RECONVENED**

Chairman Wilson reconvened the Board of Supervisors.

**CALL TO THE PUBLIC AND SUMMARY OF CURRENT EVENTS**

73. Public comment on matters pertaining to Maricopa County government. Please limit comments to two to three minutes. Note that pursuant to Arizona Open Meeting Law, Board members may not discuss matters raised under this public comment portion of the meeting; however, an individual Board member may respond to criticism made by those who have addressed the Board, ask staff to review an issue raised or may ask that the matter be placed on a future agenda. (Public comment is at the discretion of the Chairman.)

Kate Goodhart, citizen, discussed a previous compliance citation with regards to the location they chose to park a race car on their property.

74. Supervisors'/County Manager's summary of current events.

Supervisor Brock reported on a recent volunteer group, waste pickup held in Sun Lakes where 17-18 tons of hazardous disposables were collected. He said another yearly neighborhood clean-up will be held next Saturday in San Tan Park and invited those wishing to help to come early morning. Last year more than 500 volunteers helped clean-up San Tan. He thanked the County's Solid Waste Department and the many volunteers who make these clean-ups so successful.

Supervisor Wilcox said a strategic park meeting would be held tonight at Estrella Mountain Park to discuss the County's strategic plans for the Avondale, Goodyear, Buckeye area.

Supervisor Wilcox also mentioned the Diversity program held yesterday and commended the action by many who took part in it.

David Smith took an opportunity to thank the many people who sent cards, flowers and food while he was hospitalized and recovering at home the past two months. He said the Board and management team ran the County so well during his absence he almost felt he had not been missed but the phone calls, prayers and other remembrances made him aware of the thoughts and good wishes that surrounded him and were successful in helping to raise his morale. He thanked the many who had contacted him to speed his recovery.

**\*\*\*The Board of Supervisors will now consider Code Enforcement Reviews.\*\*\***

**Please note that these matters are of a quasi-judicial nature and the Board will review the Hearing Officer's decision in each case to determine if sufficient evidence was presented to the Hearing Officer to support the decision or whether a procedural error may have occurred. New evidence is not considered at these hearings.**

## **CODE ENFORCEMENT REVIEW**

David Smith left the dais and Victoria Mangiapane left the meeting at the end of this portion of the Board meeting. All Board Members, as listed above, remained in session. Joy Rich, Assistant County Manager, Darren Gerard, Deputy Planning and Development Director, and Wayne J. Peck, Deputy County Attorney, came forward to present the following planning and zoning cases.

### **PZ-1. BUTTERNUT TRUST NO. 9707**

This is the time for the review of the Hearing Officer's Judgment in Zoning Code Violation Case No. V200801189, Butternut Trust No. 9707. (Supervisor District 2)

This item appeared on the January 28, 2009 agenda where the Board upheld the Hearing Officer's Judgment and denied the appeal by a vote of 4-0. Staff cannot confirm proper notification and has therefore placed this item on this agenda to be revisited by the Board. (C-44-09-094-M-00)

Darren Gerard reported on this case of junk, trash and debris that was reported and later opened in July 2008. Respondent was found responsible at a hearing in December 2008 and fines of \$300 plus \$30 per diem were assigned. Fines had accrued to a total of \$1,440 when the property came into compliance on January 6, 2009.

Kate Goodhart spoke on the enforcement notes and said it appeared that the new property owners came into compliance in less than 60 days.

Mr. Peck interrupted and reminded the Board that their review is limited to determining whether the evidence presented at the hearing was sufficient to uphold the Hearing Officer's order.

Motion to uphold Hearing Officer's Order of Judgment by: Supervisor Stapley, Seconded by: Supervisor Wilcox  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

### **PZ-2. GUSTAVO AND ROSALINDA GARCIA - V200700808**

This is the time for the review of the Hearing Officer's Order of Judgment in Zoning Code Violation Case No. V200700808. (Supervisor District 3)

This item appeared on the January 28, 2009 agenda where the Board upheld the Hearing Officer's Judgment and denied the appeal by a vote of 4-0. Staff cannot confirm proper notification and has therefore placed this item on this agenda to be revisited by the Board. (C-44-09-095-M-00)

Mr. Gerard said a settlement was reached on this case this morning and no action is needed by the Board as the property is now in compliance.

### **PZ-3. RICHIE - V200701845**

This is the time for the review of the Hearing Officer's Order of Judgment in Zoning Code Violation Case No. V200701845, Richie (Supervisor District 4) (C-44-09-099-M-00)

Mr. Gerard said a settlement was reached on this case this morning and no action is needed by the Board as the property is now in compliance.



**PZ-4. SELLS/WITT - V200700872**

This is the time for the review of the Hearing Officer's Order of Judgment in Zoning Code Violation Case No. V200800872, Sells/Witt. (Supervisor District 3) (C-44-09-098-M-00)

Darren Gerard said this case is for construction of a wall without obtaining a permit and he explained background of the case. A hearing was held in November 2008 and the respondent was found responsible and ordered fines of \$300 plus \$30 per diem. Fines now total \$3,390 and continue to accrue until compliance is verified and a final drainage inspection is completed satisfactorily.

Heather Witt came forward, saying she resided on the property and the owner has the necessary completed the necessary permits, which she is presenting to the Board.

Joy Rich said these applications need to be submitted to their One-Stop-Shop, 501 N. 44th Street. Ms. Rich said the Board's case today is to find whether the Hearing Officer's Order is to be upheld.

Kate Goodhart said that fines may have been applied to Mr. Sells without there being any wrongdoing.

Mr. Peck said this was not relevant to the Board's duties in upholding the Hearing Officer's order. The time to raise such issues is before the Hearing Officer.

Motion to uphold Hearing Officer's Order of Judgment by: Supervisor Wilcox, Seconded by: Supervisor Stapley  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

## **PLANNING AND ZONING AGENDA**

\*\*\*The Board of Supervisors will now consider matters related to Planning and Zoning.\*\*\*

### **REGULAR AGENDA**

**1. SPECIAL USE PERMIT - ARIZONA OLYMPIAN GYMNASTICS**

Case	
Number:	Z2007003
Supervisory	
District:	1
Applicant:	Beus Gilbert, PLLC for Lyle Guthrie
Location:	West of Gilbert Road and north of Brooks Farm Road (in the Chandler area)
Request:	Special Use Permit (SUP) with 24-hour emergency vesting for the Arizona Olympian Gymnastics Facility in the Rural-43 zoning district (approx. 2.38 ac.)
Commission	Unknown – scheduled for action by the Commission on 02/12/2009 with staff
Action:	recommendation for an indefinite continuance because sign-offs are now outstanding from Drainage Review and Environmental Services.

January 15, 2009: The Commission recommended approval of the Special Use Request (SUP). The applicant requested emergency vesting; a copy of the letter of request is attached. The SUP was double advertised and was placed on the BOS agenda for January 28, 2009.

January 21, 2009: Staff became aware of an error in the public notice for the January 15, 2009 hearing. This error requires this case to be re-advertised and a new hearing was

scheduled for February 12, 2009.

January 28, 2009: The Board of Supervisors by a vote of 4-0 continued the hearing to February 25, 2009.

The minutes of the February 12, 2009 P&Z Commission hearing are not available at this time.

At this time, sign-off is outstanding from Drainage Review and Environmental Services. The site plan has been more thoroughly vetted since this case was previously presented to the Commission and staff does not believe construction plans can be approved with the proposed design. Therefore, the case should be continued until all agencies have signed-off on a revised site plan. (C-44-09-097-7-00)

Darren Gerard reported that the applicant has requested a continuance to the April 15, 2009, Board meeting.

Motion to continue to April 15, 2009, Board meeting by: Supervisor Brock, Seconded by: Supervisor Stapley

Ayes: Stapley, Brock, Wilcox, Wilson

Absent: Kunasek

**MEETING ADJOURNED**

There being no further business to come before the Board, the meeting was adjourned at 9:58 a.m.

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Max W. Wilson, Chairman of the Board

ATTEST:

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Lori Pacini, Deputy Clerk of the Board